



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

**CERTIFIED MAIL # 7000 1670 0002 9182 9716**  
**RETURN RECEIPT REQUESTED**

**In Reply Refer to:**  
EPA File No: 21R-99-R5

(b) (6) Privacy

Brooklyn, Michigan 49230-0652

**Re: Letter of Rejection**

Dear (b) (6) Privacy:

On September 27, 1999, you filed a complaint with the U.S. Environmental Protection Agency, Office of Civil Rights. The complaint alleges violations of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d *et seq.*, and EPA's regulations implementing Title VI found at 40 C.F.R. Part 7 by the Michigan Department of Environmental Quality. The allegations in the complaint concern MDEQ's issuance of permits #M-452 and M-453 to Environmental Disposal Systems, Inc., to drill and operate two deep waste disposal mineral wells in the City of Romulus.

On August 24, 2001, EPA sent you a letter entitled "Request for Clarification." In that letter EPA requested clarification of your status as an authorized representative of the African-American residents of the City of Romulus, whom you allege are the subject of discrimination by MDEQ. Section 7.120(a) of EPA's Title VI regulations states that an authorized representative may file a complaint on behalf of a person, or class of persons, who believes that he or she has been discriminated against in violation of EPA's Title VI regulations.

Although EPA requested that you submit clarifying information within 45 days of receipt of our August 24, 2001, letter, problems obtaining your correct address delayed your response until January 14, 2002.<sup>1</sup> Unfortunately, your response did not provide the clarifying information EPA sought regarding your status as an authorized representative for purposes of the Title VI

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<sup>1</sup>EPA spent approximately four months attempting to locate your correct address. On December 11, 2001, EPA notified MDEQ Director Russell Harding that we were rejecting your complaint, because we were unable to locate you. Within 10 days of that letter, staff in Region V learned of your new address; we resent our letter requesting clarification to you on December 21, 2001. This letter supersedes the December 11, 2001, notice of rejection to Director Harding.

complaint. Your response explains that, at the time you filed your complaint, you were a resident of Romulus, who was "indirectly subject to Tertiary Discrimination" by MDEQ's issuance of drilling and operational permits to EDS. However, you do not state that you are authorized to represent African-American residents of Romulus, MI, whom you allege are suffering from "primary" discrimination by MDEQ; nor are you a member of that group. Thus, your complaint does not meet the requirements for acceptance under 40 C.F.R. Part 7, and EPA cannot accept your complaint for investigation.

You may be interested to know, however, that the issues raised in your complaint are substantially similar to another complaint which EPA has accepted for investigation. That complaint was filed by Romulus Councilwoman Debbie Romak. Ms. Romak's complaint was accepted on January 12, 2002, and the issues raised in her complaint are already under investigation. Thus, although EPA cannot accept your complaint, you should be assured that EPA is giving careful consideration to the similar issues raised by Ms. Romak.

If you have any questions, please contact Eva Hahn by phone at (202) 564-8186, or by mail to the U.S. EPA, Office of Enforcement and Compliance Assurance (Mail Code 2201A), Title VI Task Force, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,

  
Karen D. Higginbotham  
Acting Director

cc: Mr. Russell J. Harding, Director  
Michigan Department of Environmental Quality  
P.O. Box 30473-7973  
Lansing, Michigan 48909-7973

Councilwoman Deborah Ann Romak  
36540 Romulus Ave.  
Romulus, Michigan 48174

Rafael DeLeon, Associate General Counsel  
Office of General Counsel (MC 2399A)

Sylvia Lowrance, Principal Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance (MC 2201A)

Barry Hill, Director  
Office of Environmental Justice (MC 2201A)

Thomas V. Skinner, Regional Administrator  
EPA Region 5

Gail Ginsberg, Chair  
Title VI Task Force (MC 2201A)

Ann Coyle, Title VI Coordinator  
EPA Region 5

